Mr. President,

I join others in thanking the President of the International Criminal Court, Judge Sang-Hyun Song, for his statement and for presenting the tenth report of the Court to this General Assembly. Brazil commends the judges of the ICC for their role in fighting impunity and contributing to the rule of law.

Mr. President,

Brazil remains steadfast in its commitment to the Rome Statute System and to the cause of justice that motivated its creation. As a tool for ensuring that those accused before it are brought to justice, with fairness and full respect for their human rights, the Court’s legitimacy stands out as one of the most important assets to be preserved. And the foundations of the legitimacy of the Rome Statute System lie not only on the independence of the ICC, but also on the universality of its reach.

I am pleased to recall that all South-American countries are parties to the Rome Statute. Two-thirds of the UN membership have ratified it, but it still not universal. We regret the lack of new ratifications to be reported this year and believe that this demonstrates the need to redouble our efforts towards the adherence of all UN members. After all, enhancing the Rome Statute’s universality is a means of promoting peace through justice and of addressing a key institutional dimension of the rule of law that all UN members should commit to.

In this context, allow me to underscore the importance we attach to the Review Conference of the Rome Statute, which took place in Kampala, in 2010, in which Brazil was an active participant. The activation of the Kampala amendments, in 2017, will represent a major contribution to completing the international criminal justice system.

Mr. President,

Brazil welcomes the fact that the ICC has delivered three verdicts and that, while there are appeals pending on two of them, one of these judgements recently became final. This is an important development, since it materializes our common goal of fighting impunity. We also note that the Court’s workload is increasing, including by territorial State referrals.

Considering that this month marks the 10th anniversary of the entry into force of the Relationship Agreement between the UN and the ICC, allow me to recall my delegation’s concern about issues of structural nature,
which go to the core of the relationship between the Court and the United Nations – in particular this General Assembly.

In the Open Debate on Working Methods organized by the Argentinean Presidency of the Security Council earlier this month, Brazil voiced its conviction that the pursuit of international justice and the achievement of lasting peace and security are mutually reinforcing objectives. Both the ICC and the Security Council have pivotal, albeit different roles in pursuing these objectives and striking the right balance between peace and justice, accountability and reconciliation. This is valid both for referrals and deferrals of situations, where the same rules and principles should apply equally and to all, thus avoiding double standards and selectivity.

The cooperation between the ICC and the UN should also go beyond rhetoric and find its concrete implementation also in the funding of Security Council referrals. We reiterate our call for implementation of Article 13(2) of the Relationship Agreement and of Article 115(b) of the Rome Statute, which provide clear guidance in the sense that these costs should be met by funds of the United Nations, not fall upon the parties to the Rome Statute. The incipient practice of the Security Council to try to block the possibility that the UN bear these costs not only is in contrast with the aforementioned internationally agreed dispositions, but also usurps this General Assembly’s exclusive responsibility to consider and approve the budget of the Organization, as laid out in Article 17 of the Charter.

Mr. President,

I would like to take this opportunity to welcome the decision of the Bureau of the Assembly of States Parties to endorse the consensual African candidature of the Minister of Justice of Senegal, Sidiki Kaba, to the position of President of the ASP as from its 13th Assembly. Coming from the region with the largest number of States parties to the Rome Statute, Minister Kaba is particularly well-placed to lead our efforts towards the increasing challenges faced by the Rome Statute System. Brazil welcomes that the priorities he has set for his tenure include cooperation, complementarily, universality and the healing of the relationship between the Court and his own region.

The Assembly of States parties needs to engage constructively with African States. We need to exercise diplomatic wisdom in order to preserve, on the one hand, the instruments of international criminal justice that we have been building up and, on the other, be sensitive to requests which are legally sound and reflect wide political support. We must be able to hear without prejudice the concerns expressed by African States.

We are convinced that there is institutional space to defuse polarization, uphold the respect for international law and the rule of law and address the questions raised by African Union members.

The quest for peace and justice is always challenging. It is a key common purpose of both the United Nations and the ICC. Our efforts in this regard must be informed by the shared values that bring this Assembly together and have made the first permanent, treaty-based International Criminal Court a reality.

Brazil stands ready to continue to contribute to strengthen both objectives.

Thank you.